

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUKE ALEKZANDER SANDVIK,

Defendant.

Case No. 3:19-cr-00042-SLG-DMS

**ORDER RE MOTION TO SUPPRESS**

Before the Court at Docket 14 is Defendant Luke Alekzander Sandvik's Motion to Suppress. The government responded in opposition at Docket 17. The motion was referred to the Honorable Magistrate Judge Deborah M. Smith. At Docket 27, Magistrate Judge Smith issued her Initial Report and Recommendation, in which she recommended that the motion be denied. Mr. Sandvik objected to the Initial Report and Recommendation at Docket 29,<sup>1</sup> to which the government replied at Docket 30. Magistrate Judge Smith issued her Final Report and Recommendation at Docket 31, in which she recommended that the motion be denied. No objections to the Final Report and Recommendation were filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in

---

<sup>1</sup> The government filed a notice stating that it had no objections to the Initial Report and Recommendation at Docket 28.

part, the findings or recommendations made by the magistrate judge.”<sup>2</sup> A court is to “make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.”<sup>3</sup> But as to those topics on which no objections are filed, “[n]either the Constitution nor [28U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.”<sup>4</sup>

The magistrate judge recommended that the Court deny the Motion to Suppress. The Court has reviewed the Final Report and Recommendation and agrees with its analysis. The Court has also reviewed de novo Mr. Sandvik’s objections to the Initial Report and Recommendation, and agrees with the magistrate judge that they are without merit.<sup>5</sup> Accordingly, the Court adopts the Final Report and Recommendation, and IT IS ORDERED that the Motion to Suppress is DENIED.

DATED this 25th day of October, 2019 at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE

---

<sup>2</sup> 28 U.S.C. § 636(b)(1).

<sup>3</sup> *Id.*

<sup>4</sup> *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).

<sup>5</sup> Docket 31 at 10.